

MORGANTOWN PLANNING COMMISSION

MINUTES

6:30 PM

November 8, 2012

Council Chambers

MEMBERS PRESENT: Peter DeMasters, Sam Loretta, Bill Petros, Carol Pyles, Jennifer Selin, Tim Stranko, William Wyant

MEMBERS ABSENT: Ken Martis, Michael Shuman

STAFF: Christopher Fletcher, AICP, Stacy Hollar

I. CALL TO ORDER/ROLL CALL: DeMasters called the meeting to order at 6:30 PM.

DeMasters read the standard explanation of the how the Planning Commission conducts business and rules for public comments.

II. GENERAL PUBLIC COMMENTS: None

III. MATTERS OF BUSINESS:

- A.** Approval of the August 23, 2012 meeting minutes. Petros moved to approve the minutes from the August 23, 2012 hearing as presented; seconded by Wyant. Motion carried unanimously with Stranko abstaining due to his absence.
- B.** Approval of September 13, 2012 meeting minutes. Selin moved to approve the minutes from the September 13, 2012 hearing as presented; seconded by Pyles. Motion carried unanimously with Loretta and Petros abstaining due to their absence.

IV. OLD BUSINESS: None.

V. NEW BUSINESS:

- A. MNS12-19 / Double G Properties, LLC / Highland Avenue:** Request by Lisa Mardis of Project Management Services, on behalf of Double G Properties, LLC, for minor subdivision approval of property on Highland Avenue; Tax Map 14, Parcels 445 and 445.1; R-1A, Single-Family Residential District.

Fletcher read the Staff report, stating that the petitioner seeks to subdivide land from Parcel 445 and add that division to the nonconforming and irregularly shaped Parcel 445.1 so that a single-family dwelling can be constructed.

DeMasters recognized the petitioner's representative, Lisa Mardis, of Project Management Services. Mardis stated that petitioner concurs with the staff report.

There being no questions by the Commission, DeMasters opened the public hearing asking if anyone was present to speak in favor of or in opposition to the petition. There being none, DeMasters declared the public hearing closed and asked for staff recommendations.

Fletcher stated that Staff recommends approval with the following conditions:

1. That the area for each of the reconfigured parcels may be no less than 3,500 square feet;
2. That the width of each of the reconfigured parcels may be no less than 30 feet at the Highland Avenue and Crescent Street frontages;
3. That the interior side boundary separating the reconfigured parcels may be no closer than five (5) feet from the existing structure on Parcel 445 addressed as 12 Highland Avenue.
4. That, to the satisfaction of the Planning Division, the interior side boundary separating the reconfigured parcels shall be as close to parallel to the outside boundaries and as close to right angles with the Highland Avenue and Crescent Street frontages as practicable.
5. That the petitioner submit three (3) original final plat documents, including all access/utility easements if applicable, signed and sealed by a surveyor licensed in the State of West Virginia for the Planning Commission President's signature; and,
6. That the final plat is filed at the Monongalia County Courthouse within thirty (30) days of meeting the conditions set forth above.

Stranko asked if a sign was posted on the property to notify the public. Fletcher stated that signs were not posted as public notification is not required for a minor subdivision. Stranko asked if any neighbors had complained about this project. Fletcher answered by saying that he hasn't heard from any neighbors.

Stranko moved to approve minor subdivision petition MNS12-19 with Staff recommended conditions; seconded by Selin. Motion carried unanimously

- B. S12-07-III / Tera, LLC / Protzman Street & Glenn Street:** Request by Lisa Mardis of Project Management Services, on behalf of Tera, LLC, for a Development of Significant Impact site plan approval of a "Multi-Family Dwelling" development at Protzman Street and Glenn Street; Tax Map 20, Parcels 452, 453, 454, 457, and 458; R-2, Single- and Two-Family Residential District.

Fletcher read the Staff Report, stating that the petitioner seeks to raze three structures between 600 Protzman Street and 11 Glenn Street and construct two apartment buildings with required parking.

The petitioner's proposed development program details include:

- Two, 2.5-story apartment buildings each having four habitable levels, which observes the maximum height standard in the R-2 District (2.5 stories or 35 feet, whichever is less).
- A total of 40 one-bedroom units (40 beds).

- A total of 45 on-site parking spaces.
- An existing twelve-foot, unopened public right-of-way separates the two sites. The right-of-way must remain as it appears, based on tax maps, to be sole means of access, once developed, to at least one neighboring parcel.
- Building A, as shown on the proposed site plan, will be located at the corner of Protzman Street and Glenn Street and comprises the following:
 - The development site will be approximately 12,260 square feet created through the combination of Parcels 452 and 453.
 - The building and parcel frontage will be along Protzman Street.
 - The front setback will be 10 feet; the north or interior side setback will be 5 feet; the south or corner setback will be 7.5 feet; and, the rear setback will be approximately 76.5 feet. The proposed setbacks meet or exceed the minimum setback requirements in the R-2 District.
 - The proposed apartment building will include sixteen (16) one-bedroom units for a total of 16 bedrooms.
 - There are 18 proposed on-site parking spaces, three of which are designed as compact spaces, one as an accessible space, and one as a parallel space. The number of planned parking spaces exceeds the minimum parking requirement for the development based on the number of one-bedroom units (16 spaces).
- Building B, as shown on the proposed site plan, will be located along Glenn Street and comprises the following:
 - The development site will be approximately 17,737 square feet created through the combination of Parcels 454, 457 and 458.
 - The building and parcel frontage will be along Glenn Street.
 - The front setback will be 10 feet; the east side setback will be 5 feet; the west side setback will be approximately 16 feet; and, the rear setback will be approximately 60 feet. The proposed setbacks meet or exceed the minimum setback requirements in the R-2 District.
 - The proposed apartment building will include twenty-five (25) one-bedroom units for a total of 24 bedrooms.
 - There are 26 proposed on-site parking spaces, two of which are designed as accessible parking spaces and one as a parallel. The number of planned parking spaces exceeds the minimum parking requirement for the development based on the number of one-bedroom units (24 spaces).
- Access to the dwelling units will come directly from the respective parking areas with upper floors utilizing exterior but enclosed stair towers.
- The buildings will utilize a shared dumpster facility located toward the rear center portion of the entire development with access via the twelve-foot unopened public right-of-way.
- Residents will use a shared mailbox unit near one of the development's Glenn Street driveways. The petitioner will need to confirm in writing that the United States Postal Service will deliver mail to accessible units as needed.

There being no questions or comments by the Commission, DeMasters recognized the petitioner's representative, Lisa Mardis, of Project Management Services. Mardis stated that the project site would not require any variances and would blend into the residential community. Mardis explained how the project site exceeds the minimum off-site parking requirements, which will improve access management along Glenn Street. The development plans meet or exceed fire code requirements according to the City Fire Marshal. The building is situated within walking distance to the WVU campus and will serve to alleviate the housing demand. The building occupancy is designed to suit a multi-family design that would attract graduate students and young professionals.

Petros asked if the structure would be covered entirely with siding. Fletcher explained that the final grading plan will be submitted with the building permit and there will be no exposed foundation walls per information obtained in the site plans.

Petros inquired about the building height for the proposed structure. Fletcher explained that structures are to be less than 2.5 stories or an average of 35 feet and the number of stories are measured by the frontage of the building in the R-2 zoning district.

Stranko stated that he had parking concerns. DeMasters noted that parking spots will be made available for each bedroom which is positive for off-street parking.

Petros asked about West Virginia University's most recent purchases and future developments in relation to the proposed petitioner's property. Fletcher explained where the locations of future WVU projects are and that the petitioner's property would be at the top of WVU's Falling Run Road property.

Wyant expressed concerns over the increasing density in the residential area and if drainage systems and roads could accommodate these increases and how the comprehensive plan is looking to address these issues. Fletcher stated that it would be appropriate to discuss Wyant's concerns during Comprehensive Plan Steering Committee Meetings.

There being no further comments or questions, DeMasters opened the public hearing asking if anyone was present to speak in favor of or in opposition to the petition. There being none, DeMasters declared the public hearing closed and asked for staff recommendations.

Fletcher read the staff report and stated that it is the opinion of the Planning Division that the proposed redevelopment project represents a unique opportunity to modestly increase residential density within the R-2 District area that is within close proximity and walking distance to WVU's downtown campus. The proposed project is a part of a three multi-family structure development program, the first building of which was approved administratively and is located on the opposite corner of Protzman Street and Glenn Street.

Furthermore, the petitioner and project design professionals have worked closely with the Planning Division, Engineering Department, and Fire Department to incorporate significant development program improvements that enhance necessary parking spaces, driveways, solid waste management, fire department access, and landscape and buffering areas. Additionally, the proposed building exceeds required aesthetic requirements in the R-2 District by incorporating a combination of masonry materials, which should provide visually appealing qualities to this area.

As such, Staff recommends approval of Case No. S12-07-III with the following conditions:

1. That Minor Subdivision Petitions MNS12-15 and MNS12-16 must be approved by the Planning Commission and that the final plat, with related access easements, be recorded at the Monongalia County Courthouse prior to the issuance of a permanent Certificate of Occupancy.
2. That Conditional Use Petition CU12-16 must be approved by the Board of Zoning Appeals prior to the issuance of any related building permit.
3. That the development must meet all applicable federal Fair Housing and Americans with Disabilities Act standards as determined by the City's Chief Building Code Official.
4. That the petitioner shall incorporate, to the satisfaction of the Planning Division, all reasonable Technical Review Team recommendations in plans submitted with related building permit applications, which include at least the following:
 - a. That, prior to the commencement of any excavation and construction activities, construction fencing shall be erected and maintained along the entire length of the parcel boundary shared between the subject development site and Parcel 451 of Tax Map 20 (612 Protzman Street) for the purpose of protecting said parcel from construction-related encroachment.
 - b. That, to the satisfaction of the Planning Division and prior to the issuance of any certificate of occupancy, a permanent six-foot privacy fence shall be constructed, preferably vinyl or similar low maintenance material, and maintained along the entire length of the parcel boundary shared between the subject development site and Parcel 451 of Tax Map 20 for the purpose of screening and buffering the adjoining 612 Protzman Street single-family dwelling use from the subject multi-family dwelling use.
 - c. That the driveway entrance closest to the Protzman Street and Glenn Street intersection must be eliminated to promote best access management practices. Accordingly, cross access easements and related covenants must be included in the deeds of the respective tracts. Said covenants should also address access to and use of shared facilities including, but not limited to, solid waste storage, mail delivery, common area, etc.
 - d. That parking spaces 13A through 18A shown on the proposed site plan be shifted four to six feet away from Glenn Street for the purpose of providing a sufficient landscape bed to achieve desired parking lot screening requirements; provided, fire department access and maneuvering is not compromised.
 - e. That wheel stops shall be provided for each parking stall to project pedestrian ways and landscaping.
 - f. That the shared dumpster shall be enclosed with masonry materials at least six (6) feet in height and include an opaque gate, standard concrete access apron, and concrete bollards at the rear of the enclosure to protect same from damage.
 - g. That, to the satisfaction of the Planning Division, internal concrete sidewalks with a minimum width of four feet shall be constructed for each building to provide pedestrian ways from the dwelling units and parking areas to the five-foot sidewalks that must be constructed along Glenn Street.

- h. That, to the satisfaction of the Planning Division, the landscape beds flanking the driveway entrance must include appropriate deciduous trees as provided in Article 1367.11 of the Planning and Zoning Code and the landscape beds along Glenn Street appropriately screen parking areas.
 - i. That all exterior stairs, steps, landings, elevated walkways, railings, and support members may not be comprised of exposed wood or treated lumber.
 - j. That, to the satisfaction of the Planning Division, shutters framed by lintels, trim, and sills that simulate windows must be provided for the first and second stories of the side elevations visible from the public right-of-way.
5. That a Landscape Plan be submitted with the building permit application for review and approval by the Planning Division. Variance approval must be obtained should the Lighting Plan not conform to the related performance standards set forth in the City Planning and Zoning Code.

That a Lighting Plan be submitted with the building permit application for review and approval by the Planning Division. Variance approval must be obtained should the Lighting Plan not conform to the related performance standards set forth in the City Planning and Zoning Code.

DeMaster asked if the 12 foot alley will be the only entrance and exit to the property. Fletcher confirmed that the development site will only utilize the 12 foot alley, which will be widened to accommodate fire truck maneuvering as required by the City Fire Marshal.

Selin inquired about what will be provided where the second access was originally propose. Fletcher stated that the landscaping plan will be required to show landscape buffer to screen the parking areas.

Selin moved to approve site plan petition S12-07-III with Staff recommended conditions; seconded by Stranko. Motion carried unanimously

- C. MNS12-15 / Tera, LLC / Protzman Street & Glenn Street:** Request by Lisa Mardis of Project Management Services, on behalf of Tera, LLC, for minor subdivision approval of property at the corner of Protzman Street and Glenn Street; Tax Map 20, Parcels 452 and 453; R-2, Single- and Two-Family Residential District.

Fletcher read the Staff report, stating that the petitioner seeks to combine Parcels 452 and 453 for the purpose of developing a multi-family structure.

DeMasters recognized the petitioners representative, Lisa Mardis, of Project Management Services. Mardis stated that the petitioner concurs with the staff report.

There being no questions or comments by the Commission, DeMasters opened the public hearing asking if anyone was present to speak in favor of on in opposition to the petition. There being none, DeMasters declared the public hearing closed and asked for staff recommendations.

Fletcher stated that Staff recommends approval with the following conditions:

1. That the petitioner submit three (3) original final plat documents, including all access/utility easements if applicable, signed and sealed by a surveyor licensed in the State of West Virginia for the Planning Commission President's signature; and,
2. That the final plat is filed at the Monongalia County Courthouse within thirty (30) days of meeting the condition set forth above

Selin moved to approve minor subdivision petition MNS12-15 with Staff recommended conditions; seconded by Stranko. Motion carried unanimously.

D. MNS12-16 / Tera, LLC / Protzman Street & Glenn Street: Request by Lisa Mardis of Project Management Services, on behalf of Tera, LLC, for minor subdivision approval of property along Glenn Street; Tax Map 20, Parcels 454, 457, and 458; R-2, Single- and Two-Family Residential District.

Fletcher read the Staff Report stating that the petitioner seeks to combine Parcels 454, 457, and 458 for the purpose of developing a multi-family structure. The combined area of the three parcels will be 17,737 square feet, which exceeds the minimum lot area standard of 5,000 square feet in the R-2 District.

DeMasters recognized the petitioner's representative, Lisa Mardis, of Project Management Services. Mardis stated that the petitioner concurs with the staff report.

There being no questions or comments by the Commission, DeMasters opened the public hearing asking if anyone was present to speak in favor of or in opposition to the petition. There being none, DeMasters declared the public hearing closed and asked for staff recommendations.

Fletcher stated that Staff recommends approval with the following conditions:

1. That the petitioner submit three (3) original final plat documents, including all access/utility easements if applicable, signed and sealed by a surveyor licensed in the State of West Virginia for the Planning Commission President's signature; and,
2. That the final plat is filed at the Monongalia County Courthouse within thirty (30) days of meeting the condition set forth above

Wyant moved to approve minor subdivision petition MNS12-16 with Staff recommended conditions; seconded by Stranko. Motion carried unanimously

E. MNS12-20 / Dale / 46 Jackson Avenue: Request by Christopher and Evelyn Dale for minor subdivision approval of property at 46 Jackson Avenue; Tax Map 36, Parcels 578 and 579; R-1A, Single-Family Residential District.

Fletcher read the Staff Report stating that the petitioner, and owner of the subject realty, seeks to subdivide a portion of Parcel 579 and add same to Parcel 578. Parcel 578 contains a single-family dwelling while Parcel 579 is currently undeveloped. The proposed parcel boundary adjustment is to ensure that the existing retaining wall and integrated steps are a part of Parcel 578 in the event Parcel 579 is sold or conveyed to a separate owner.

The current area of Parcel 578 is approximately 6,374 square feet. The current area of Parcel 579 is approximately 6,375 square feet. The petitioner seeks to add approximately 1,700 square feet to Parcel 578 from Parcel 579.

The resulting areas for each of the proposed parcels is approximately 8,074 square feet for Parcel 578 and 4,675 square feet for Parcel 579, which exceeds the related minimum lot size standard of 3,500 square feet in the R-1A District as provided in Article 1335.03(A).

DeMasters recognized the petitioner, Evelyn Dale. Ms. Dale stated that she concurs with the staff report.

There being no questions or comments by the Commission, DeMasters opened the public hearing asking if anyone was present to speak in favor of the petition. There being none, DeMasters declared the public hearing closed and asked for staff recommendations.

Staff recommends approval with the following conditions:

1. That the petitioner submit three (3) original final plat documents, including all access/utility easements if applicable, signed and sealed by a surveyor licensed in the State of West Virginia for the Planning Commission President's signature; and,
2. That the final plat is filed at the Monongalia County Courthouse within thirty (30) days of meeting the condition set forth above.

Stranko made a motion to approve minor subdivision petition MNS12-20 with Staff recommended conditions; seconded by Wyant. Motion carried unanimously

F. MNS12-21 / Madison & Associates, LLC / 19-21 Gifford Avenue: Request by Kathryn Madison, on behalf of Madison & Associates, LLC, for minor subdivision approval of property at 19-21 Gifford Avenue; Tax Map 35, Parcel 130; R-1A, Single-Family Residential District.

Fletcher read the Staff Report stating that the petitioner seeks to subdivide the existing parcel into two parcels thereby creating a new buildable lot at 19 and 21 Gifford Avenue. The area for each of the proposed parcels will be approximately 6,000 square feet, which exceeds the minimum lot area standard of 3,500 square feet in the R-1A District.

DeMasters recognized the petitioner, Kathryn Madison. Ms. Madison stated that she concurred with the staff report.

There being no questions or comments by the Commission, DeMasters opened the public hearing asking if anyone was present to speak in favor of or in opposition to the petition. There being none, DeMasters declared the public hearing closed and asked for staff recommendations.

Staff recommends approval with the following conditions:

1. That the petitioner submit three (3) original final plat documents, including all access/utility easements if applicable, signed and sealed by a surveyor licensed in the State of West Virginia for the Planning Commission President's signature; and,
2. That the final plat is filed at the Monongalia County Courthouse within thirty (30) days of meeting the condition set forth above

Stranko moved to approve minor subdivision petition MNS12-21 with Staff recommended conditions; seconded by Selin. Motion carried unanimously

VI. OTHER BUSINESS:

A. Committee Reports

- Traffic Commission: No report.
- Green Team: No report.

B. Staff Comments: Fletcher provided an update on the Comprehensive Plan process. The final stages are being prepared in a draft document and will be given to the Steering Committee. After Committee has reviewed the draft, revisions will be made accordingly, placed on public review for comment and input, and a public open house scheduled. The public open house may be delayed until January due to the challenges in scheduling a public meeting and low participation generally attributed to the holidays. The intention is to have a final document to the Planning Commission February or March.

VII. FOR THE GOOD OF THE COMMISSION:

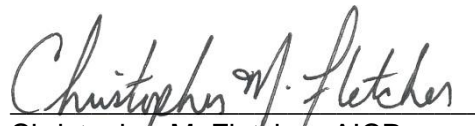
Stranko noted that according to the research prepared for the comprehensive plan, the population of Morgantown will grow by more than 40,000 people in the coming years. Stranko asked if plans are in place for urban growth and if urban growth boundaries have been included in the comprehensive plan. Fletcher stated that urban growth will be a focal point in the comprehensive plan and suggested that the Commission discuss the urban growth boundary provisions in State Code via a workshop.

VIII. ADJOURNMENT: 7:35 PM

MINUTES APPROVED:

January 10, 2013

COMMISSION SECRETARY:


Christopher M. Fletcher, AICP